

of condemnation was entered and the court ordered that the devices be released under bond for relabeling, under the supervision of the Federal Security Agency.

DRUGS FOR VETERINARY USE

**3020. Misbranding of Fowlton, D.R.D. Concentrate, Flushem, and Getsem Poultry Wormer. U. S. v. 6 Cases, etc. (F. D. C. No. 27557. Sample Nos. 64120-K to 64123-K, incl.)**

**LABEL FILED:** July 12, 1949, District of Minnesota.

**ALLEGED SHIPMENT:** On or about March 16, 17, and 23, and May 5, 10, and 31, 1949, by Dr. Jespersen's Laboratories, from Spencer, Iowa.

**PRODUCT:** 6 cases, each containing 4 1-gallon bottles; 9 cases, each containing 6 ½-gallon bottles; and 2 cases, each containing 12 1-quart bottles, of *Fowlton*; 4 cases, each containing 6 ½-gallon bottles; 1 case containing 5 ½-gallon bottles; 1 case containing 20 1-quart bottles; and 1 case containing 22 1-pint bottles of *D.R.D. Concentrate*; 3 cases, each containing 12 1-pound jars; 1 case containing 6 3-pound jars; and 1 case containing 5 3-pound jars, of *Flushem*; and 1 case containing 12 1-pint bottles; 1 case containing 11 1-pint bottles; and 1 case containing 116 ½-pint bottles, of *Getsem Poultry Wormer* at Buffalo, Minn., together with a number of booklets entitled "Dr. Jespersen's Poultry Guide" and a number of invoices issued by Dr. Jespersen's Laboratories, which bore therapeutic representations with respect to the products.

**LABEL, IN PART:** "Fowlton \* \* \* Ingredients: Ferric Chloride, Manganese Sulphate, Potassium Dichromate, Potassium Iodide and Water"; "D.R.D. Concentrate \* \* \* Active Ingredients: Mercuric Chloride (16.4 grs. fl. oz.) Inert Ingredients: Sodium, Calcium and Zinc Phenolsulphonates, Manganese Sulphate, Certified Color and water 96.6%"; "Flushem \* \* \* Active Ingredients: Magnesium Sulphate (Epsom Salts), Sodium Sulphate, Sodium Bicarbonate, 95%. Inert as a laxative—Sodium Thiosulphate and Gentian Violet 5%"; and "Getsem Poultry Wormer \* \* \* Contents: Arecoline Hydrobromide, Iron Chloride Solution, Solution Nicotine Sulphate, Copper Sulphate (22.5 grains per oz.), and Manganese Sulphate. Active Ingredients: 27½% Water 72½%."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements on the invoices and in the booklets were false and misleading since the articles would not be effective for the purposes claimed. The false and misleading claims in the labeling represented and suggested:

That the *Fowlton* had some specific value in the treatment of disease conditions of poultry and as a tonic;

That the *D.R.D. Concentrate* had some specific value in the treatment of coccidiosis, roup, pox, and colds when used as directed;

That the *Flushem* when used as directed would be effective in the prevention and treatment of mold poisoning and for the condition known as "Mycosis";

That the *Getsem Poultry Wormer* when used as directed had some specific value in the removal of all species of worms, and more specifically roundworms and pinworms; that it would be effective in the treatment of paralysis; and that it would be effective for better health, growth, and vitality, and for obtaining more eggs from layers.

**DISPOSITION:** December 5, 1949. Dr. Jespersen's Laboratories, claimant, having withdrawn its claim of ownership and disclaimed any intention of filing an

answer, judgment was entered and the court ordered that the products be destroyed.

# INDEX TO NOTICES OF JUDGMENT D. D. N. J. NOS. 3001 TO 3020

## PRODUCTS

	N. J. No.		N. J. No.
Air purifiers, Pur-Ar-Lite.....	<sup>1</sup> 3018	Inhalers, eucalyptus compound	
Amberin.....	3015	combination.....	3016
Amphetamine hydrochloride tablets.....	3001	Kimko.....	3011
Arthritis, remedy for.....	3010	Laxative without required warning statements.....	3004
Benadryl capsules.....	3002	Lin-Ox-Ol.....	3013
Cathartein Compound Tablets.....	3005	Lung Remedy, Patrick's.....	<sup>2</sup> 3007
Colusa Natural Oil Capsules and Colusa Natural Oil.....	3009	Nelson's Hygienic Powder.....	<sup>2</sup> 3006
D-E Plex Capsules.....	3008	Nue-Ovo.....	3010
D-O-D.....	3012	Patrick's Lung Remedy.....	<sup>2</sup> 3007
D. R. D. Concentrate.....	3020	Phenobarbital tablets.....	3002
Devices.....	<sup>1</sup> 3016-3019	Poultry Wormer, Getsem.....	3020
Diabetes, remedy for.....	3014	Pur-Ar-Lite Air Purifiers.....	<sup>1</sup> 3018
Eucalyptus compound and inhalers.....	3016	Rheumatism, remedy for.....	3010
Flushem.....	3020	Se-Bex Tablets.....	3008
Fowlton.....	3020	Sulfathiazole lozenges.....	3002
Gall-Klenz.....	3004	Theraplate (device).....	3019
Geo-Mineral.....	3003	Tox Eliminator devices.....	<sup>1</sup> 3017
Getsem Poultry Wormer.....	3020	Tuberculosis, remedy for.....	<sup>2</sup> 3007
Hemorrhoids, remedy for.....	3015	Vegex Extract.....	3014
Hygienic Powder, Nelson's.....	<sup>2</sup> 3006	Veterinary preparations.....	3020
		Vitamin preparations.....	3008
		Worms, remedy for (veterinary preparation).....	3020

## SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Albright, Glen:		F. A. R. Chemical Co.:	
Tox Eliminator devices.....	<sup>1</sup> 3017	Gall-Klenz.....	3004
Amberin Co.:		Geo-Mineral Co.:	
Amberin.....	3015	Geo-Mineral.....	3003
American Metal Industries:		Great Lakes Pharmacal Corp.:	
Theraplate (device).....	3019	Nelson's Hygienic Powder.....	3006
Chaffin, Argus:		Hiller, P. M.:	
Benadryl capsules, sulfathiazole lozenges, and phenobarbital tablets.....	3002	Nelson's Hygienic Powder.....	<sup>1</sup> 3006
Circlite Corp.:		Infra-Appliances Corp.:	
Pur-Ar-Lite Air Purifiers.....	<sup>1</sup> 3018	Theraplate (device).....	3019
Colusa Remedy Co.:		Jespersen's, Dr., Laboratories:	
Colusa Natural Oil Capsules and Colusa Natural Oil.....	3009	Fowlton, D. R. D. Concentrate, Flushem, and Getsem Poultry Wormer.....	3020
		Kimko Co.:	
		Kimko.....	3011

<sup>1</sup> (3017, 3018) Seizure contested. Contains findings of fact and conclusions of law.

<sup>2</sup> (3006, 3007) Prosecution contested.

9/1/50

# FEDERAL SECURITY AGENCY

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

3021-3040

### DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., July 6, 1950.

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\*For presence of a habit-forming narcotic without warning statement, see No. 3022; omission of, or unsatisfactory, ingredients statements, Nos. 3021, 3022, 3024, 3039; failure to bear a label containing an accurate statement of the quantity of the contents, Nos. 3021, 3022, 3024, 3039, 3040; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, No. 3021; cosmetics, actionable under the drug provisions of the Act, Nos. 3024, 3034, 3037.

**DRUGS AND DEVICES ACTIONABLE BECAUSE OF FAILURE TO BEAR  
ADEQUATE DIRECTIONS OR WARNING STATEMENTS\***

**3021. Misbranding of Metro-Vac.** U. S. v. Charles A. C. Faiman (Physicians Rx Products), and Dr. F. H. Jordan. Pleas of not guilty. Tried to a jury; verdict of guilty as to defendant Faiman and not guilty as to defendant Jordan. Sentence of two years in prison against defendant Faiman. Judgment affirmed on appeal. (F. D. C. No. 25563. Sample Nos. 22351-K, 27247-K.)

**INDICTMENT RETURNED:** September 23, 1948, Northern District of Texas, against Charles A. C. Faiman, alias A. C. Faiman, alias C. A. C. Faiman, alias Dr. C. Andrew Faiman, and alias Dr. Charles C. Faiman, trading as Physicians Rx Products, and against Dr. F. H. Jordan, Dallas, Tex.

**ALLEGED SHIPMENT:** The indictment alleged in count 1 that both defendants, on or about January 24, 1948, willfully and unlawfully caused a quantity of *Metro-Vac* to be introduced and delivered for introduction into interstate commerce at Dallas, Tex., for delivery to Monroe, La. The indictment alleged in count 2 that the defendant Faiman, on or about January 27, 1948, willfully and unlawfully caused a quantity of *Metro-Vac* to be introduced and delivered for introduction into interstate commerce at Dallas, Tex., for delivery to Helena, Ark.

**PRODUCT:** Analysis showed that the product was a soft potassium soap containing 2.5% of potassium iodide and a crystal violet dye. It was represented to be a uterine evacuant.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (1), the article bore no label containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), it bore no label containing an accurate statement of the quantity of the contents; Section 502 (e) (2), it bore no label containing the common or usual name of each active ingredient; Section 502 (f) (1), it bore no labeling containing directions for use; and, Section 502 (f) (2), it bore no labeling containing warnings against use in those pathological conditions where its use may be dangerous to health, and against unsafe dosage and methods and duration of administration or application.

**DISPOSITION:** On September 30, 1948, the defendants entered pleas of not guilty, and the case immediately proceeded to trial before a jury. On October 1, 1948, the jury returned a verdict of guilty against defendant Faiman and a verdict of not guilty against defendant Jordan, and on the same day the court imposed a sentence of two years in prison against defendant Faiman. An appeal was taken to the U. S. Court of Appeals for the Fifth Circuit on behalf of defendant Faiman, and on March 20, 1950, a decision was handed down by that court, affirming the judgment of the lower court.

**3022. Misbranding of Benadryl capsules, Hexital tablets, and Carbrital capsules.** U. S. v. Thompson D. Adcock and John G. Malley. Pleas of guilty. Fines of \$125 against defendant Adcock and \$50 against defendant Malley. (F. D. C. No. 26710. Sample Nos. 26183-K, 27029-K, 27031-K, 27041-K, 27044-K, 27315-K, 27532-K.)

**INFORMATION FILED:** August 19, 1949, Western District of Missouri, against Thompson D. Adcock, a pharmacist for the McGreevy Drug Co. No. 2, a partnership, Springfield, Mo., and against John G. Malley, a partner in the partnership.

\*See also No. 3039 (veterinary preparations).